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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,563	03/27/2000	Shintaro Ichihara	Q58494	3550

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EXAMINER

HO, TUAN V

ART UNIT

PAPER NUMBER

2612

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/534,563

Applicant(s)

ICHIHARA, SHINTARO

Examiner

TUAN HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments filed 2/23/04 have been fully considered but they are not persuasive.

With regard to claim 1, Applicant argues that "the compressed data, as disclosed in Hull, fails to teach or disclose the reduction data of claim 1" (paragraph 1 of page 10). In response to the arguments, the examiner notes that 1) claimed reduction image data is interpreted as compressed image data of Hull since the compressed data reduces the amount of data in image data; thus, the compressed data is reduction image data; noted that claim 1 recites the term "comprising"; and 2) in station 12 of Hull, there is only image memory 24 that is used to store image data from the camera, col. 2, lines 1-7, or server station 14, col. 4, lines 29-35; in addition, the transmission of data can be both ways (see Fig. 1). Therefore, when sever 14 transmits compressed data to station 12 in order to send the data to a facsimile, the data must be inherently stored in memory 24 due to slow speed and process of transmission of the facsimile. As the result, the compressed data of Hull is stored in the image memory 24 of camera 20 as claimed.

With regard to claim 8, upon a request of the Applicant, the Porter reference (US 5,740,161) discloses a cache memory is used to temporarily store data, col. 4, lines 22-26; and since

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the data is temporarily stored in the cache, it is deleted as soon as the system does not need it.

For the above reasons, the rejection is repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hull et al (US 5,806,005).

With regard to claim 1, Hull et al discloses in Fig. 1, digital camera system that comprises the digital camera (digital camera 20 inherently includes an image sensor so as to convert an optical image into image signals, col. 2, line 5), memory

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(memory 24, col. 3, lines 2, lines 5-6), image data memory apparatus (server 14 includes image storage device 58, col. 2, line 47-48), reduction image forming means (CPU 22 compresses image data from the digital image data of camera 20, col. 4, lines 29-35), communication apparatus (transfer system 10 includes camera 20, cellular telephone transmitter 28 and GPS 60, col. 2, line 1 and col. 2, lines 14-19), communication path (cellular telephone net work 16, col. 2, line 44) and image data is stored in the memory section (image storage device stores image data from the camera), and reduction image data (camera 20 stores compresses image data sent from the server 14 and store in memory ²⁷~~12~~ before transmitting to a facsimile machine (col. 4, lines 29-35)).

With regard to claim 2 , Hull et al discloses in Fig. 1, digital camera system that comprises the display means (a view finder of the digital camera is shown in Fig. 1, col. 2, line 5-8).

With regard to claim 3, Hull et al discloses in Fig. 1, digital camera system that comprises the reduction image data forming means (CPU 22 is included in the server 14 that is the image memory apparatus).

With regard to claim 4, Hull et al discloses in Fig. 1, digital camera system that comprises the image data forming

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means (CPU 22 compresses image data sent from the camera and image data stored in the storage 58 so as to send the reduction image data back to the camera, col. 4, lines 30-35).

With regard to claim 5, Hull et al discloses in Fig. 1, digital camera system that comprises the storing means (CPU 22 connected to memory 24, col. 2, line 10 is used to store compressed image data from the server into memory 24).

With regard to claim 6, Hull et al discloses in Fig. 1, digital camera system that comprises the digital camera (transfer system 10 includes digital camera 20).

With regard to claim 8, Hull et al discloses in Fig. 1, digital camera system that comprises image data memory apparatus (server 14, col. 2, line 19), memory section (server 14 includes storage 58), reduction image data forming means (CPU 52 compresses image data from the camera, col. 4, lines 30-35), transmission means (CPU 52 working in combination with modem 56 and network 16 transmits the compressed image data back to the camera memory, col. 4, lines 30-35).

Method claims 9-12 correspond to apparatus claims 1-4 and are analyzed the same with respect to apparatus claims 1-4.

With regard to claim 13, Hull et al discloses the compressed image data from camera 12, which is stored in server

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14, can be then retransmitted to the station 12 and stored in memory 24 of the camera, col. 4, lines 29-35.

With regard to claim 14, Hull et al discloses that the camera can transmit image data stored in memory 24 when the memory is full, col. 3, lines 1-9 in order to take new pictures. As a result, the image must be inherently deleted from memory 24 after transmitting to the server 14 so as to receive new images from the camera.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al.

Hull discloses all the subject matter as discussed with respect to claim 1, except for the memory section comprises cache area and saving area.

Official Notice is taken that a cache memory is used in a memory device so as to store image data deleted as needed.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the storage device 58 of Hull so as to store image data in a cache area where the image data is deleted as needed and a saving area for store new image data. This is because the modification of the storage of Hull would allow the system to separate image old image data in order to delete as needed and thereby to improve the efficiency of the system.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schwab discloses an apparatus for compiling A/V information from a remote site; where compressed image data can be stored at the transmitting site.

Porter et al discloses an apparatus that can transmit image data in video conference system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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TUAN HO

Primary Examiner

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